

INFORMATION BULLETIN

WORKFORCE INVESTMENT ACT

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: PUBLIC HEARING REQUIREMENTS

The Workforce Investment Division has received several inquiries related to the requirements for public hearings. This information bulletin provides a general overview of requirements regarding public hearings for local and State level meetings as stated in California law. These laws recognize the government's responsibility to provide public forums as a means for discussing public issues. These forums must allow the public an opportunity to comment on any issue brought before the legislative body. This summary does not constitute all requirements for open meetings by local legislative bodies or state bodies.

The Workforce Investment Act (WIA) contains sunshine provisions requiring Local and State Workforce Investment Boards to make available to the public, on a regular basis through open meetings, information regarding the activities of the Board [WIA Sections 111(g) and 117(e)]. Title 20 of the Code of Federal Regulations states that such information include State and Local Plan business, information regarding membership, development of significant policies, interpretations, guidelines and other definitions. Upon request, the Boards are also required to provide the public with copies of minutes from previous meetings (WIA Sections 661.207 and 661.307). These passages clearly communicate Congress' intent that the business of the Boards must be open to all interested parties and provide these parties with the opportunity to address any relevant issues.

The [Brown Act](#) (California Government Code, Section 54950) governs the open meeting requirements for local level legislative bodies. For the purposes of this discussion, "legislative body" may refer to (a) the governing body of a local agency or any other local body created by State or federal statute; (b) a commission, committee, board, or other body of a local agency whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.

Public meetings as they apply to this law refer to a congregation of a majority of members of a legislative body at a specific time and place to discuss or deliberate on subject matters relative to the local agency's jurisdiction. These discussions and deliberations may include the consideration, analysis or debate of an issue, and any vote that may be taken. Meetings of the legislative body must be open and public to allow all interested parties to attend.

The law specifically prohibits discussion of subject matters within the purview of the legislative body by members in an informal setting. With the exception of teleconferencing held under specific requirements, the law also prohibits direct communication, use of personal intermediaries or technological devices that allow a majority of the members to develop a collective concurrence regarding actions before the legislative body.

At least 72 hours in advance of the meeting, the legislative body of the local agency shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the regularly scheduled meeting. This agenda must be freely accessible to members of the public. Any person may request a copy of the agenda or a copy of all documents constituting the contents of the agenda packet. The agenda must provide time for members of the public to address the legislative body directly on any item of interest to the public. With few exceptions, no action or discussion shall be undertaken on any item not appearing on the agenda.

Notwithstanding the 72-hour advance notice of regularly scheduled meetings, the presiding officer or a majority of the members of the legislative body may call a special meeting with a 24-hour advance notice. This written notice must be delivered to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing.

Teleconferencing is allowed as a means for conducting a meeting. Each teleconference location must be identified in a public notice. Each location must post an agenda for the meeting and be accessible to the public. The teleconference shall provide the means and opportunity for the public to comment. In order to use a teleconference as a means for holding a meeting, a quorum of the members of the legislative body must participate from locations within the boundaries of the territory over which the local agency maintains jurisdiction.

For a more detailed discussion of the Brown Act, see the [Attorney General's analysis](#), "The Brown Act: Open Meetings For Local Legislative Bodies."

The [Bagley-Keene Open Meeting Act](#) (California Government Code, Section 11120) governs the open meeting requirements of State agencies. The intent of the law is to ensure that actions of State agencies be taken openly and that their deliberation be conducted openly.

For purposes of this discussion, a "state body" may refer to (a) every state board, commission, or similar multimember body of the State that is created by statute or required by law to conduct official meetings; or (b) advisory boards, advisory commissions, advisory committees or subcommittees under specific circumstances.

Meetings of the state body include a congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body. Closed sessions of the legislative body are allowable under specific circumstances. With the exception of teleconferencing held under specific requirements, the law prohibits the use of direct communication, personal intermediaries, or technological devices employed by a

majority of the state body to develop a collective concurrence regarding actions before the body.

The state body must provide notice of public meetings to any person requesting such notice in writing. Notice shall be given and available on the Internet no less than ten days prior to the meeting. The notice shall include a specific agenda of matters that will be discussed in the open and closed sessions. The agenda shall include a short description of each subject item. Notice of the meeting shall also serve as notice of any advisory body to the state body that is meeting to discuss matters of the body. These meetings shall be open also to the public with time and locations made available.

The law allows for special meetings under specific circumstances including situations where the 10-day notice would impose a substantial hardship on the state body or where immediate action is required to protect the public interest. Notice shall be made to all interested parties no later than 48 hours preceding the meeting.

A state body may hold open or closed meetings by teleconference for the benefit of the public and the state body. Open portions of the teleconference must meet all of the requirements for notification and participation by members of the public. Locations of the teleconference must be made available in the notice. Agendas must be posted at all specified teleconference locations. All votes taken during the conference call must be done by roll call.

For a more detailed discussion of the Bagley-Keene Act, see the [Attorney General's analysis](#).

If you have any questions, please contact your [Regional Advisor](#) at (916) 653-6347, or Georganne Pintar Baldwin, Local Policy Guidance Unit Manager, at (916) 654-7611.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division